WP(C) 2720/2007
BEFORE
HON'BLR MR JUSTICE AMITAVA ROY

Heard Mr SK Sarkar , learned counsel for the petitioner and Mr Roy, learned S tate counsel for the official respondents.

For the order which I propose to pass, I do not consider it necessary to issue notices to the Respondent Nos 4, 5 and 6.

The brief facts necessary for disposing of this petition are that the p etitioner has been settled with Khalishabhita weekly hat (hereinafter referred t o as the 'Hat') under the Assam Panchayat Act,1994 (hereinafter referred to as the 'Act') for the period 1.12.2006 to 30.6.2007 . Due to a fire incident on 1.1 .2007 more than 100 shops in the market were gutted as a result of which the petitioner suffered huge financial loss being unable to collect the tolls theref rom. He therefore, on 9.1.2007 and 4.5.2007 submitted representations before th e Secretary Cum-Block Development Officer, Jaleswar Anchalik Panchayat, Katariha ra narrating the above fact and prayed for remission of the tender value or his dues and/or extension of the period of settlement to recover the loss suffere d . He is before this Court with the grievance that the representations though filed quite sometime back have remained undisposed till date.

The learned counsel for the petitioner while reiterating the above has s ubmitted that the omission on the part of the aforementioned respondent authorities to dispose of the representations amoun ts to failure to discharge their legal duty. To that effect he also has drawn t he attention of this Court to Rule 49 of the Assam Panchayat (Financial) Rules,2 002.

Mr Roy in reply has submitted that the prayer of the petitioner is not entertainable in law there being no provision therefor in the Act.

Upon hearing the learned counsel for the parties and on a consideration of the pleaded facts supported by an affidavit and the provision of law as refe rred to hereinabove, this petition is disposed of with a direction to the Secret ary cum Block Development Officer, Jaleswar Anchalik Panchayat, Katarihara, Dist rict Goalpara to cause immediate steps to dispose of the petitioner's representa tions within a period of two weeks from the date of receipt of the certified co py of this order. His Court has not hereby offered any comment on the merits of the petitioner request.

The petition stands disposed in the above terms. No costs.